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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,)	CR 03-1661-TUC-CKJ (GEE)
Plaintiff,)	
v.)	MOTION TO COMPEL DISCLOSURE –
)	REVENUE AGENT’S TRIAL EXHIBITS
SCOTT FRANCIS CREASIA,)	
Defendant.)	
)	

Defendant, by and through his undersigned counsel, submits this motion, under Rule 16 of the Federal Rules of Criminal Procedure, to compel the government to supply the defendant with any exhibits that will be offered at trial through the government’s testifying IRS revenue agent.

The government has charged the defendant with filing false income tax returns. Trial is scheduled to begin August 29, 2006.

In every criminal tax trial the government has an IRS revenue agent testify in its case in chief. The government typically offers detailed trial exhibits through this witness. For example, the government usually offers detailed schedules, or spreadsheets, purporting to show a defendant’s bank deposits, business receipts, expenditures, etc. Other schedules, or spreadsheets, usually show complex tax computations. The defense anticipates that the government will present such exhibits at trial in this matter.

1 To date, the government has not produced any such exhibits. Due to the complexity of
2 the information typically shown on such exhibits, undersigned counsel will need a substantial
3 amount of time to review them prior to trial, in order to adequately represent his client.
4 Undersigned counsel will not be able to competently represent his client if the government does
5 not provide these exhibits sufficiently in advance of trial to allow counsel to review them,
6 understand them, and compare them to any underlying data or other documents that purportedly
7 support them.
8

9 Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government, upon
10 request of the defendant, must make available for inspection any items/exhibits “ if the item is
11 material to preparing the defense or the government intends to use the item in its case in chief.”
12 Here, the requested exhibits meet both criteria.
13

14 The government indicted this case in 2003. The government should have these
15 documents completed, and should be able to produce those documents for the defense without
16 further delay.
17

18 Wherefore, the defense moves this court for an order compelling the government to
19 produce any exhibits the government intends to use at trial through its testifying revenue agent.
20

21 **RESPECTFULLY** submitted this 24th day of July, 2006.

22 LAW OFFICE OF THOMAS L. FINK

23 s/ Thomas L. Fink

24 Thomas L. Fink

25 Attorney for Defendant

26 Copy served this 24th day of July, 2006, to:

27 **Nick Dickinson**

28 U.S. Department of Justice, Tax Division